

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 7
	:	
PHILIP JAY BERG,	:	Bankruptcy No. 05-39380DWS
	:	
Debtor.	:	

ORDER

AND NOW, this 8th day of May 2007, a hearing having been held on the Emergency Motion of Debtor to Extend Time to Pay for Property Because of Extenuating Circumstances (the “Emergency Motion”);¹

And after denying the Motion for the reasons stated on the record, I questioned whether Scholl had merely allowed his user ID and password to be employed again without making a good faith inquiry into the basis of the Emergency Motion as required by Fed.R.Bankr.P. 9011;²

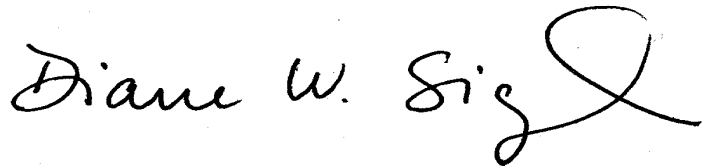
¹ Debtor signed this Motion as if *pro se* although he is represented by counsel David A. Scholl, Esquire in this proceeding. It was filed on April 27, 2007 under Scholl’s electronic signature. On April 30, 2007 Scholl noticed the Motion and sought a hearing. While Scholl did not sign the Emergency Motion, he did cause it to be filed electronically using his user name in this Court’s CM/ECF system. As he was advised on another recent occasion when he allowed another attorney to use his password and user name, a pleading filed electronically by an attorney is a certification under Rule 9011. See Local Rule 8 (“The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User’s signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Bankr.P. 9011, the other Federal Rules of Bankruptcy, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.”).

² Indeed the extension requested in the Emergency Motion was expressly and clearly foreclosed by the Debtor’s agreement as memorialized in my prior Order approving the sale of
(continued...)

And Scholl then being given the opportunity to withdraw the Emergency Motion in the absence of which I advised him a show cause hearing would follow to determine whether he had violated Rule 9011 and if so, what sanctions should follow;

And Scholl having now withdrawn the Emergency Motion;

It is hereby **ORDERED** that no further action is presently required in connection with this matter provided, however, that if Scholl uses or allows his user ID and password to be used again without engaging in the requisite investigation of the facts and law, there will be no further opportunity to withdraw the offending pleading but rather an appropriate sanctions order will be issued.



DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge

cc: Judge Bruce Fox
Judge Stephen Raslavich
Judge Eric Frank
Judge Richard Fehling
Judge Jean FitzSimon

Copies to:

George M. Conway, Esquire
Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107

(...continued)

certain real property to the Debtor. On its face, Scholl's conduct in filing and prosecuting the Emergency Motion raised serious issues of good faith.